IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7185 of 1998

Between:

1 A.Annadurai, S/o. Althiappa gOUNDER,
R/o.Merapani Town, Kokha, Nagaland.
Vehicle No. NL-05/A 5913
2 S.Sundaram, S/o. Sengonda Gounder,
Merapani Town, Wokha District, Nagaland.
Vehicle No. NL-05/A-4500

..... PETITIONERS

AND

1 Secretary, State Transport Authority,
A.P., Hyderabad.
2 Secretary, State Transport Authority,
Nagaland, Mokokchung,
Nagaland.

(R2 dismissed for default, as per Court Order dt.5-9-2001)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the respondents and their subordinates in not permitting the petitioners herein to carry Gross Vehicle weight of 25000 Kgs as mentioned in the item No. IV of the schedule appended to S.O.728(E) dated 18/10/1996 issued by the Govt. of India, Ministry of Surface Transport (Transport Wing), New Delhi in the petitioners heavy goods rigid vehicles fitted with 10.00 Tyres as illegal, arbitrary and contrary to law, and consequently direct the respondents and their subordinates herein to permit the petitioners herein to carry gross vehicle weight of 25,000 Kgs in their goods vehicles bearing registration numbers mentioned in the cause title forthwith.

Counsel for the Petitioner: SMT.M.VINOBHA DEVI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondent-Secretary, Regional Transport Authority, in not permitting the petitioners to carry Gross Vehicle weight of 25000 kgs as mentioned in item No.IV of the schedule appended to S.O.728(E) dated 18.10.1996 issued by the Government of India, Ministry of Surface Transport (Transport wing), New Delhi, as illegal and arbitrary and consequently, to direct the respondents to permit the petitioners to carry the said weight in their goods vehicles.

When the matter is taken up for hearing, it is submitted by the learned counsel appearing for the petitioners and conceded by the learned Government Pleader for Transport appearing for the respondent that the issue involved in this writ petition is squarely covered by the judgment of the Apex Court in **N.Venkateswara Rao Vs. S.T.A.**, wherein the Apex Court has elaborately discussed the matter and dismissed the writ appeals and W.P.No.6211 of 1990 and batch.

Accordingly, following the ratio laid down by the Apex Court in the

above judgment, this writ petition is also dismissed for similar reasons. No order as to costs.

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08.04.2005

dr/tvk

To

1 The Secretary, State Transport Authority,
A.P., Hyderabad.
2 The Secretary, State Transport Authority,
Nagaland, Mokokchung,
Nagaland.

3 2 CCs to Government Pleader for Transport,

High Court Buildings, Hyderabad. (OUT)

4 2 CD copies